

**REMARKS**

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being  
unpatentable over Akimoto et al., U.S. Pat No. 5,680,649  
5 (hereinafter Akimoto). Fig.1 is objected to.

1. Objection to Fig.1.

Fig.1 is required to be designated by a legend such as  
"Prior Art". In response to this, an appropriately amended  
10 Fig.1 is included herein. No new matter has been introduced  
by this amendment. Reconsideration of the amended Fig.1 is  
politely requested.

2. Amendment to the specification:

15 Paragraph 0009 of the specification has been amended to  
correct a clerical error. A stock paragraph was inadvertently  
included into the specification, but had not been  
appropriately modified to suit the present invention.  
Appropriate modification has therefore been made to paragraph  
20 0009 to reflect the present invention. No new matter has been  
introduced by this amendment, consideration of which is  
politely requested.

3. Rejection of claim 1:

25 Claim 1 has been rejected for reasons of record, which can  
be found on pages 3 and 4 of the above-indicated Office action,  
which is part of paper No.5.

In response to this rejection, claim 1 has been amended,  
and is repeated below for reference, with important details  
30 emphasized in bold type. No new matter has been introduced  
by these amendments.

1. (Currently amended) A camera with a focus retaining mechanism, comprising:

- a base having a cylindrical lens barrel;
- a focusing lens mounted within the lens barrel, the
- 5 focusing lens movable in a first or a second direction along an optical axis;
- a retaining member horizontally and movably mounted on the base for setting the focusing lens in a predetermined position, wherein the retaining member comprises a
- 10 ratchet side, a smooth side **opposite the ratchet side**, a first end and a second end positioned on opposite ends of the ratchet side and the smooth side; and
- a retaining hook movably mounted on the base, the retaining hook comprising a horizontal arm, which has a vertical
- 15 end downwardly extending to hook the retaining member and moving substantially over the retaining member horizontally;
- wherein when the focusing lens moves in the first direction, the vertical end of the retaining hook contacts the first
- 20 end of the retaining member and then slides along the ratchet side; when the focusing lens stops, the vertical end of the retaining hook hooks the ratchet side to set the focusing lens; and when the focusing lens moves to the second direction, **the vertical end slides back along the**
- 25 **smooth side to the first end.**

First, it should be noted that minor amendments were made to claim 1 for purely clerical reasons. In particular, within the final wherein clause, the phrase, "...and thus setting the

30 focusing lens..." has been changed to read, "...to set the focusing lens..." Additionally, within the paragraph reciting the limitation of the retaining hook, the phrase, "...in a initial

state..." has been changed to read, "...in an initial state..." And the "is" recited in the paragraph setting out the focusing lens limitation has been removed.

5       The amendment to claim 1 that is designed to clearly differentiate over Akimoto is made within the paragraph reciting the limitation of the retaining member. In particular, it is now explicitly stated that the smooth side of the retaining member is opposite the ratchet side, and that both  
10   the smooth side and the ratchet side lie between the first and second ends.

      The Examiner has identified the claimed retaining member as item 3 of Akimoto (Fig.1), with the ratchet side being item  
15   3b, the first side end being item 3c and the second end being item 9b. The beginning of the cam of item 3 was identified as the claimed smooth side. In the Response to Arguments section, the Examiner identified the claimed retaining hook as a combination of items 9 and 10, and then stated that making  
20   these two items monolithic members would be an obvious design variation. In so doing, however, the Examiner has inadvertently combined the claimed retaining member with the claimed retaining hook, as item 9b (which should be part of the claimed retaining member) is actually part of item 9 (which  
25   should be part of the claimed retaining hook). That is, the Examiner has caused item 9 of Akimoto to serve as both the retaining member and the retaining hook, yet these are two separate entities that interact with each other to perform the focus setting operation. Furthermore, it is unclear how  
30   one could, in fact make Akimoto's items 9 and 10 monolithic, and still retain their functionality. The present invention claimed retaining hook most resembles item 10, which it is

initially identified as by the Examiner, yet it would be impossible to remove item 9 from Akimoto and still retain functionality. Thus, the Examiner's assertion that making items 9 and 10 monolithic is an obvious design choice seems  
5 unlikely. Additionally, the combination of items 9 and 10 of Akimoto, identified as the claimed retaining hook, do not interact with the ratchet side (identified as item 3b) in any way, and clearly does not "...hook the retaining member..." as required by the amended claim 1. Instead, the hold lever 9  
10 interacts with a totally different ratchet 6 (see col.3, lines 45-48). The combination of items 9 and 10 thus does not meet the claimed limitations of the amended claim 1.

More importantly, in the amended claim 1, the ratchet side  
15 must be opposite the smooth side, and both must lie between the first and second ends. Clearly, if the claimed smooth side is identified with the beginning of the cam on item 3, then it fails this test in two ways: (1) It is not opposite the ratchet side, and (2) it does not lie between the first and  
20 second ends. Moreover, the amended claim 1 asserts that the vertical end of the retaining hook slides back along the smooth side to the first end. Consequently, the claimed retaining hook must slide back along the smooth side of the retaining member to the first end, which is identified as item 3c. Clearly,  
25 it is impossible for Akimoto's retaining hook (combination of items 9 and 10) to slide along the end of the cam of item 3 back to item 3c, and therefore fails to meet the limitations set forth in the final wherein clause.

30 In light of the above, reconsideration of the amended claim 1 is politely requested.

4. Rejection of claim 2.

As claim 2 is dependent upon the amended claim 1, claim 2 should be allowable if the amended claim 1 is found to be allowable. Reconsideration of claim 2 is therefore politely  
5 requested.

5. Rejection of claim 3:

Claim 3 has been amended to correct minor clerical errors. No new matter has been introduced by these amendments.

10 With regards to the amended claim 3, the amended claim 3 explicitly states that when the retaining hook passes the second end, the retaining hook separates from the ratchet side, positions along the smooth side, and then slides back along the smooth side to the first end. This is clearly impossible  
15 with Akimoto, as the identified smooth side and ratchet side are both on the same side, and thus the retaining hook (item 10) cannot separate from the ratchet side, as required by the amended claim 3. Further, items 9 and 10 do not slide along the smooth side of cam on item 3 back to an initial state,  
20 as required by the amended claim 3. Indeed, as noted in the defense of the amended claim 1, items 9 and 10 do not directly physically interact with item 3 in any manner that the Applicant can see (note that item 9b interacts with item 11a, and not item 3). Consequently, reconsideration of the amended  
25 claim 3 is politely requested.

6. Rejection of claims 4 and 5:

As claims 4 and 5 depend upon the amended claim 3, claims 4 and 5 should be allowable if the amended claim 3 is allowed.  
30 Reconsideration of claims 4 and 5 is therefore politely requested.

7. Rejection of claims 6 and 7:

Claim 6 has been amended to clarify the disposition of the smooth side with respect to the ratchet side. No new matter is introduced by this amendment. In particular, the amended claim 6 now reads in part, "...the ratchet side and the smooth side are **separately** located on the inner side and the outer side." The intent of this is to convey that the smooth side may be on the inner side, while the ratchet is on the outer side, and vice versa. It is noted that Akimoto's item 3, as construed by the Examiner, has both the ratchet side and the smooth side on the same side, i.e., the outer side, and thus fails to meet the limitations of the amended claim 6. Reconsideration of the amended claim 6 is therefore politely requested.

15

As claim 7 is dependent upon the amended claim 6, claim 7 should be allowable if the amended claim 6 is found to be allowable. Reconsideration of claim 7 is therefore politely requested.

20

8. Rejection of claim 8:

The Examiner has not explicitly stated his reasons for rejecting claim 8. There is nothing in Akimoto, however, that discloses or makes obvious the limitations of claim 8. Claim 8 sets out that the claimed smooth side is part of a guide groove along which the vertical end of the retaining hook slides from the second end to the first end. No such guide groove is present in Akimoto. Reconsideration of claim 8 is therefore politely requested.

30

9. Rejection of claims 9 and 15:

Amendments have been made to claim 9 to clearly

differentiate over Akimoto. No new matter has been introduced by these amendments. Many of the newly introduced limitations were taken from claim 14, which has subsequently been canceled. In particular, it is now explicitly stated that the retaining member has a smooth side opposite the ratchet side, and that both of these two sides lie between first and second ends. Additionally, the final wherein clause sets out the relationship between the retaining hook and the first and second ends, i.e., that, "...when the retaining hook slides along the ratchet side passing the second end, the retaining hook slides along the smooth side and the second driving device urges the retaining member to rotate in the second direction."

The arguments employed for the defense of the amended claim 1 are also applicable to the amended claim 9. Specifically, For example, the Examiner has inadvertently combined the claimed retaining member with the claimed retaining hook, letting item 9 of Akimoto to serve as both the retaining member and the retaining hook. Further, the combination of Akimoto's items 9 and 10 fail to meet the limitations of claim 9 as they do not directly interact with item 3, which was identified as the retaining member. In the amended claim 9, the ratchet side must be opposite the smooth side, and both must lie between the first and second ends, which is not disclosed or made obvious by Akimoto.

The amended claim 9 also asserts that, "...when the retaining hook slides along the ratchet side passing the second end, the retaining hook slides into the smooth side and the second driving device urges the retaining member to rotate in the second direction." Again, no such limitations are present or made obvious by Akimoto, as Akimoto has no equivalent "smooth

side" on the retaining member itself that is used to unlatch the retaining member.

In light of the above, reconsideration of the amended claim 9 is politely requested. Additionally, as claim 15 is dependent upon the amended claim 9, claim 15 should be allowable if the amended claim 9 is found to be allowable. Reconsideration of claim 15 is therefore politely requested.

10 10. Rejection of claims 10, 11, 12 and 13:

Claims 10, 11, 12 and 13 have been amended for purely clerical reasons. In particular, the word "status" in claim 10 has been changed to the more appropriate "states". Within the preamble of claim 11, the word "member" has been changed to "hook". Matter originally from claim 12 has been incorporated into the amended claim 9, and thus canceled from the amended claim 12. Grammatical corrections were made to the amended claim 13. No new matter has been introduced by any of these amendments. As the amended claims 10, 11, 12 and 13 are dependent upon the amended claim 9, the amended claims 10, 11, 12 and 13 should be allowable if the amended claim 9 is allowed. Reconsideration of the amended claims 10, 11, 12 and 13 is therefore politely requested.

25 Sincerely yours,



Date: 8/1/2003

Winston Hsu, Patent Agent No. 41,526

30 P.O. BOX 506

Merrifield, VA 22116

U.S.A.

e-mail: winstonhsu@naipo.com.tw